

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JEWEL GRACE HARRIS,

Civil Action File No.

Plaintiff,

v.

WALMART STORES, INC.,

Defendant.

_____ /

NOTICE OF REMOVAL

COMES NOW WALMART STORES, INC. (erroneously named), named Defendant in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendant WALMART STORES, INC. in the Superior Court of Upson County, Georgia, which is within the Macon Division of this Court. 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 19V0018. Plaintiff's claims against Defendant includes claims of negligence.

2.

Plaintiff filed the Complaint on or about January 18, 2019. Defendant

WALMART STORES, INC. received service of summons and a copy of the Complaint on April 11, 2019. Defendant WALMART STORES, INC. files this notice of Removal within thirty (30) days after service of summons and a copy of this Complaint.

3.

Defendant Walmart Stores, Inc. now known as Walmart, Inc. is a Delaware corporation with its principal place of business in the State of Arkansas. Defendant Walmart, Inc. was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter. The principal place of business for Walmart, Inc. is 708 SW 8th Street, Bentonville, AR 72716.

4.

Jewel Grace Harris is a citizen of the State of Georgia.

5.

Complete diversity of citizenship exists between Plaintiff and Defendant.

6.

Plaintiff claims injuries to her knee, back and hip, pain and suffering, past and future medical expenses, general and specific damages, and seeks \$90,000 in damages (see Complaint paragraphs 4, 6, 7, and prayer). The amount in controversy, exclusive of interest and costs, exceeds \$75,000.

7.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendant.

8.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendant has attached as Exhibit "A" copies of all the pleadings that were provided to and served upon Defendant, including copies of all pleadings that have been filed to date in the Superior Court of Upson County, Georgia for the above-styled case.

9.

Pursuant to 28 U.S.C. § 1446, Defendant is not required to file a removal bond.

10.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

11.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the Superior Court of Upson County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendant WALMART STORES, INC. prays that the above-captioned lawsuit be removed to the United States District Court for the Middle District of Georgia, Macon Division.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger

Howard M. Lessinger

Georgia State Bar No. 447088

/s/ Ernest L. Beaton, IV

Ernest L. Beaton, IV

Georgia Bar No. 213044

Attorneys for Defendant

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CERTIFICATE OF SERVICE

This is to certify that on April 18, 2019, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

_____/s/ Howard M. Lessinger
Howard M. Lessinger
Georgia State Bar No. 447088
Attorneys for Defendant
WALMART STORES, INC.

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